



Journal of the Senate

State of Indiana

121st General Assembly

Second Regular Session

Twentieth Meeting Day

Tuesday Afternoon

February 18, 2020

The Senate convened at 1:37 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Reverend David Greene Sr., Purpose of Life Ministries - Indianapolis, IN.

The Pledge of Allegiance to the Flag was led by Senator James D. Ford.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Koch
Bassler	Kruse
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan
Buck	Niemeyer
Busch	Niezgodski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Donato	Rogers
Doriot	Ruckelshaus
Ford, J.D.	Sandlin
Ford, Jon	Spartz
Freeman	Stoops ▣
Garten	Tallian
Gaskill	Taylor, G.
Glick	Tomes
Grooms	Walker
Holdman	M. Young
Houchin	Zay

Roll Call 207: present 49; excused 1. [Note: A ▣ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1015 — Sandlin, Bohacek (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1419 — Raatz, Spartz, Niezgodski, Zay (Commerce and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

RESOLUTIONS ON FIRST READING

Senate Resolution 29

Senate Resolution 29, introduced by Senator Merritt:

A SENATE RESOLUTION urging the legislative council to study the impacts and results of Indiana's criminal code reforms.

Whereas, The Indiana General Assembly enacted House Bill 1006 in 2013 and 2014 in an effort to overhaul Indiana's criminal code;

Whereas, These efforts were the culmination of a five year study to make Indiana's criminal code consistent, proportional, and effective;

Whereas, Change to the Indiana criminal code may have deep and lasting impacts on Indiana's criminal justice system and local governments, thereby affecting the lives of Hoosiers for years to come;

Whereas, The Indiana State Senate urges the legislative council to assign to an appropriate study committee the task of analyzing the impacts and results of Indiana's criminal code reforms enacted in 2013 and 2014;

Whereas, A study committee assigned this topic is encouraged to analyze and provide data on items including but not limited to: the number of defendants who would have gone to facilities operated by the Department of Correction (DOC) but who now stay in local jails; the total and per day cost to local government budgets as a result of housing inmates in local jails; the total savings to the State of Indiana because of DOC facility closures as a result of Indiana criminal code reforms; any changes in the number of low level felons before legislative reforms; and any changes in recidivism rates before and after legislative reforms; and

Whereas, A study committee assigned this topic is encouraged to determine and report to the Indiana General Assembly its findings including but not limited to: whether or not counties have had to hire more corrections officers as a result of increased inmate populations at local jails; and whether local governments or the DOC may best be able to provide addiction services, behavioral modification classes, and educational opportunities to inmates: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate encourages the legislative council to assign to an appropriate study committee the task of analyzing changes to local governments and the criminal justice system because of Indiana criminal code reforms enacted by the Indiana General Assembly in 2013 and 2014.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the office of State Senator James W. Merritt, Jr.

The resolution was read in full and referred to the Committee on Corrections and Criminal Law.

Senate Resolution 37

Senate Resolution 37, introduced by Senator Niezgodski:

A SENATE RESOLUTION to urge the legislative council to assign to the appropriate summer study committee the topic of issuing driver's licenses to residents of Indiana who cannot provide proof of identity and lawful status in the United States.

Whereas, As of 2019, there are approximately 350,000 immigrants living in Indiana, 26 percent of whom are undocumented;

Whereas, Of the over 92,000 undocumented individuals living in Indiana, 60% have lived in the United States for over 10 years;

Whereas, Combined, these undocumented individuals paid over \$92.2 million in state and local taxes in 2017 and many are a part of the Hoosier workforce;

Whereas, 15 states have already passed legislation allowing undocumented immigrants to obtain different versions of driver's licenses. Individuals in those states must provide specific documentation such as a foreign birth certificate, passport, or consular identification before the state issues them a driver's license;

Whereas, States that have provided driver's licenses to undocumented immigrants did so under the constitutional authority of the 10th Amendment of the United States Constitution and consistent with the Real ID law enacted in 2005;

Whereas, Undocumented immigrants driving on Hoosier roads without a driver's license pose a public safety issue for citizens of Indiana because they are unable to obtain automobile insurance;

Whereas, Driving without identification also poses a public safety issue for Indiana's law enforcement community, because they are unable to identify individuals during traffic stops. Many law enforcement officials have requested the state act by creating a driver's license for undocumented immigrants;

Whereas, In states that have provided driver's licences to undocumented immigrants, studies indicate that the uninsured rates in those states has dropped and the number of automobile accidents has decreased;

Whereas, Undocumented immigrants contribute to Indiana in many ways and allowing them to travel to work, to the doctor, and to their children's schools safely and without fear is important; and

Whereas, Allowing undocumented immigrants to obtain driver's licenses affects over 92,000 Hoosiers and deserves further study: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate urges the legislative council to assign to an appropriate summer study committee the topic of issuing driver's licenses to residents of Indiana who cannot provide proof of identity and lawful status in the United States.

The resolution was read in full and referred to the Committee on Public Policy.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Resolution 25, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 1.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Concurrent Resolution 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Concurrent Resolution 28, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Engrossed House Bill 1032, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Engrossed House Bill 1047, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

"SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.108-2019, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

- (1) The executive director of the Indiana public defender council or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.
- (3) The director of the division of mental health and addiction or the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the president's designee.
- (5) The commissioner of the Indiana department of correction or the commissioner's designee.
- (6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.
- (7) The executive director of the Indiana criminal justice institute or the executive director's designee.
- (8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.
- (9) The president of the Probation Officers Professional Association of Indiana or the president's designee.
- (10) The budget director or the budget director's designee.
- (11) The executive director of the Association of Indiana Counties or the executive director's designee.**
- (12) The president of the Indiana Judges Association or the president's designee.**
- (13) The chair of the Indiana public defender commission or the chair's designee.**
- (14) The chair of the senate corrections and criminal law committee or the chair's designee.**
- (15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.**
- (16) The chair of the house courts and criminal code committee or the chair's designee.**

(17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.

(18) The governor or the governor's designee.

(b) ~~The chief administrative officer of the office of judicial administration~~ **chief justice or the chief justice's designee** shall serve as chairperson of the advisory council.

(c) ~~The purpose duties of the advisory council is to conduct a state level review and evaluation of:~~ **include:**

- (1) reviewing and evaluating state and local criminal justice systems and corrections programs, including pretrial services, behavioral health treatment and recovery services, community corrections, county jails, parole, and probation services; and**
- (2) reviewing the processes used by the department of correction and the division of mental health and addiction in awarding grants;**
- (3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;**
- (4) coordinating with other criminal justice funding sources;**
- (5) establishing committees to inform the work of the advisory council; and**
- (6) performing other relevant duties as determined by the advisory council.**

(d) The advisory council may make ~~a recommendation~~ **recommendations** to:

- (1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;**
- (2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;**
- (3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;**
- (4) the Indiana criminal justice institute concerning criminal justice funding priorities;**
- (5) the office of judicial administration concerning veterans problem-solving court grants; and**
- (6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.**

(e) The office of judicial administration shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the office of judicial administration from funds appropriated to the office of judicial administration for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) The affirmative votes of a majority of the voting members

appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (l);
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction;
- (5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council, in conjunction with the Indiana criminal justice institute, shall jointly issue an annual report under IC 5-2-6-24.

(k) Any entity that receives funds:

- (1) recommended by the advisory council; and
- (2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (l) to the department of correction to aid in the compilation of the report described in subsection (j).

(l) The department of correction shall provide the advisory council with the following information:

- (1) The total number of participants, categorized by level of most serious offense, who were served by the entity through funds described in subsection (k).
- (2) The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision.
- (3) The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision.
- (4) The percentage of participants, categorized by level of most serious offense, who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were subsequently committed to the department of correction;

within twenty-four (24) months after completing the funded treatment program, service, or level of supervision.

(5) The percentage of participants, categorized by level of most serious offense, who were:

(A) discharged from a funded treatment program, service, or level of supervision; and

(B) subsequently committed to the department of correction;

within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.

(6) The total number of participants who completed a funded treatment program, service, or level of supervision.

(7) The total number of participants who:

(A) completed a funded treatment program, service, or

level of supervision; and

(B) were legally employed.

(8) Any other information relevant to the funding of the entity as described in subsection (k).

SECTION 3. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~goal~~ **purpose** of the justice reinvestment advisory council is to ~~develop incarceration review policies, promote state and local collaboration, and provide assistance for use of evidence based practices and best practices in community based alternatives and recidivism reduction programs, at the county and community level by promoting the development of:~~ **including:**

(1) probation services;

(2) problem solving courts;

(3) mental health **and addiction treatment and recovery services;**

~~(4) substance abuse treatment;~~

~~(5) (4) programs providing for court supervision, probation, or pretrial diversion;~~

~~(6) (5) community corrections;~~

~~(7) (6) evidence based recidivism reduction programs for currently incarcerated persons; and~~

~~(8) (7) other alternatives to incarceration: rehabilitation alternatives; and~~

(8) the incorporation of evidence based decision making into decisions concerning jail overcrowding."

Delete pages 2 through 4.

Page 5, delete lines 1 through 36.

(Reference is to HB 1047 as printed January 10, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Engrossed House Bill 1093, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PERFECT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and The Military, to which was referred Engrossed House Bill 1173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 1 through 22, begin a new paragraph and insert:

"SECTION 2. IC 10-17-1-5, AS AMENDED BY P.L.144-2007, SECTION 6, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The position of director of veterans' affairs is established. The governor shall appoint the director for a four (4) year term. However, the term of office of the director terminates when the term of office of the governor terminates or when a successor to the director is appointed and qualified. The director must be

~~(1) an honorably discharged veteran who has at least six (6) months active service in the armed forces of the United States. and~~

~~(2) a citizen of Indiana and a resident of Indiana for at least five (5) years immediately preceding the director's appointment.~~

(b) The director is entitled to reimbursement for necessary traveling and other expenses.

(c) The governor may remove the director if the governor considers the director guilty of misconduct, incapability, or neglect of duty.

(d) The governor shall appoint an assistant director of veterans' affairs. The assistant director is entitled to receive reimbursement for necessary traveling and other expenses. The assistant director has the same qualifications as the director of veterans' affairs and shall assist the director in carrying out this chapter."

Page 9, line 38, strike "one" and insert "1".

Page 9, line 38, strike "twenty-five" and insert "25".

(Reference is to HB 1173 as printed January 14, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

TOMES, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Engrossed House Bill 1222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, delete lines 16 through 33.

Page 12, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 20. IC 3-10-1-19, AS AMENDED BY P.L.278-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the form described in this section for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

~~(d) Local public questions shall be placed on the primary election ballot after the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g):~~

~~(e) The local public questions described in subsection (d) shall be placed as follows:~~

~~(1) In a separate column on the ballot if voting is by paper ballot:~~

~~(2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g); in the form specified in IC 3-11-13-11 if voting is by ballot eard:~~

~~(3) As provided by either of the following if voting is by an electronic voting system:~~

~~(A) On a separate screen for a public question:~~

~~(B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g); in the form specified in IC 3-11-14-3.5:~~

~~(f) A public question shall be placed on the primary election ballot in the following form:~~

~~(The explanatory text for the public question;
if required by law.)~~

~~"Shall (insert public question)?"~~

~~☐ YES~~

~~☐ NO~~

~~(g) (d) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:~~

~~(1) Federal and state offices:~~

~~(A) President of the United States.~~

~~(B) United States Senator.~~

~~(C) Governor.~~

~~(D) United States Representative.~~

~~(2) Legislative offices:~~

~~(A) State senator.~~

~~(B) State representative.~~

~~(3) Circuit offices and county judicial offices:~~

~~(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.~~

~~(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.~~

~~(C) Judge of the probate court.~~

~~(D) Prosecuting attorney.~~

(E) Circuit court clerk.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

~~(h)~~ (e) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(g)~~: (d):

- (1) Precinct committeeman.
- (2) State convention delegate.

~~(i)~~ (f) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection ~~(h)~~: (e).

~~(j)~~ (g) The offices described in subsection ~~(i)~~ (f) shall be placed as follows:

- (1) In a separate column on the ballot if voting is by paper ballot.
- (2) After the offices described in subsection ~~(h)~~ (e) in the form specified in IC 3-11-13-11 if voting is by ballot card.
- (3) Either:
 - (A) on a separate screen for each office; ~~or public question~~; or
 - (B) after the offices described in subsection ~~(h)~~ (e) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 21. IC 3-10-1-19.5, AS AMENDED BY P.L.21-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

- (1) Prosecuting attorney.
- (2) Clerk of the circuit court.

(3) The county offices listed in section ~~19(g)(4)~~ 19(d)(4) of this chapter.

SECTION 22. IC 3-10-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate ~~and on each public question~~ unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate, ~~and public question~~, the number of votes cast for the candidate. ~~and for or against each public question~~. The tabular statement must contain the following information, with the names of candidates ~~and public questions~~ arranged in the order in which they appear upon the official ballot:

- (1) The name of the precinct.
- (2) The name of the township (or ward).
- (3) The name of the county.
- (4) The name of the party of the candidates for Representative in Congress.

SECTION 23. IC 3-10-1-31.3, AS AMENDED BY P.L.74-2017, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31.3. (a) This subsection applies to a primary election within an election district in which more than one (1) political party chooses the party's nominees or in which a nonpartisan ballot is available for a voter to vote for an office. ~~or on a public question~~. A voter whose political party is not recorded on the poll list as required under section 24 of this chapter shall be shown on the voter's registration record as having cast an unknown ballot in that primary.

(b) This subsection applies to a primary election within an election district in which only one (1) political party chooses its nominees and a nonpartisan ballot is not available. A voter:

- (1) whose political party recorded on the poll list is not the political party conducting a primary within the election district;
- (2) who is indicated on the poll list as having requested a nonpartisan ballot; or
- (3) whose political party is not recorded on the poll list as required under section 24 of this chapter;

shall be shown on the voter's registration record as having cast a ballot for the political party choosing that political party's nominees in that primary election.

SECTION 24. IC 3-10-1-32, AS AMENDED BY P.L.179-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. Primary election returns must contain the whole number of votes cast for each of the following:

- (1) Each candidate of each political party.
- ~~(2) Each public question voted on at the primary election.~~
- ~~(3) (2) Each candidate for election to a political party office."~~

Page 18, line 16, delete "The:" and insert "The".

Page 18, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 37. IC 3-10-9-3, AS AMENDED BY P.L.225-2011, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) Except as otherwise specifically provided by a statute, a local public question may be placed on the ballot only at the following elections:**

(1) A general election.

(2) A municipal general election, but only if the election district for the public question is contained entirely within a municipality.

(b) If a local public question must be certified to an election board by law, that certification must occur ~~no not~~ later than noon ~~(1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or~~

~~(2) August 1. if the public question is to be placed on the general or municipal election ballot."~~

Page 19, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 34. IC 3-11-2-10, AS AMENDED BY P.L.278-2019, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. **Notwithstanding section 8(b) of this chapter**, the instructions for voting a straight party ticket shall be placed to the right of the device ~~if instructions are printed~~ on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"(1) You are not required to vote a straight party ticket. If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office.

~~(1)~~ **(2)** To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in ~~(2)~~ **(3)** below, make a voting mark on or in this circle and do not make any other marks on this ballot.

~~(2)~~ **(3)** To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one **(1)** person may be elected, you must

make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

~~(3)~~ **(4)** If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 34. IC 3-11-4-17.7, AS AMENDED BY P.L.278-2019, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.7. (a) This section applies when a voter:

(1) has been mailed the official ballot under this chapter; and

(2) notifies the county election board that:

(A) the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail;

(B) the absentee ballot does not bear the bipartisan initials required under section 19 of this chapter; or

(C) the absentee ballot envelope was not signed by the voter.

(b) As required under 52 U.S.C. 21081, the voter may obtain a replacement official ballot under the procedures set forth in this chapter after the voter files a statement with the county election board. The statement must affirm, under penalties of perjury, that the voter did not receive the official ballot (or that the ballot was received by the voter, but was destroyed, spoiled, or lost), and must set forth any facts known by the voter concerning the destruction, spoiling, or loss of the ballot. **A voter may file the statement required by this section by any of the following means:**

(1) In person.

(2) By fax.

(3) By mail (including United States mail or bonded courier).

(4) By electronic mail with a digital image of the statement and signature of the voter.

(c) After a voter files the statement required under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ballot.

(2) Mark "canceled" on the envelope containing the original ballot.

(3) Preserve the original ballot with the other defective ballots.

(4) Deliver a new ballot to the absentee voter.

(d) If a voter requests a replacement ballot for a primary election, the county election board may not provide the voter with a primary election ballot for a political party different from the political party indicated in the voter's application for an absentee ballot.

(e) After receiving the official replacement ballot, the voter shall destroy any spoiled ballot in the possession of the voter or any lost or delayed official ballot that comes into the possession of the voter."

Page 20, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 35. IC 3-11-10-26.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26.7. (a) This section applies to a voter voting an absentee ballot before an absentee voter board under this chapter.**

(b) If a voter attempts to leave the voting location without completing the casting of the voter's absentee ballot, a member of the absentee voter board shall:

(1) attempt to advise the voter not to leave the voting location because the voter's ballot has not been cast; and

(2) permit the voter an opportunity to complete the casting of the voter's absentee ballot.

(c) If the voter has left the voting location, or declines to complete the casting of the voter's absentee ballot, the members of the absentee voter board shall process the voter's absentee ballot in the same manner as the absentee ballot would have been processed if the voter had completed the casting of the voter's absentee ballot.

(d) After the voter's absentee ballot has been processed under subsection (c), the members of the absentee voter board shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:

(1) The name of the voter who left the voting location without completing the casting of the voter's absentee ballot if the voter's name is known.

(2) The approximate time that the voter left the voting location.

(3) Whether the voter was advised that the voter could complete the casting of the voter's absentee ballot.

(4) A statement made under the penalties for perjury indicating that:

(A) the members of the absentee voter board

processed the voter's absentee ballot as if the voter had completed the casting of the voter's absentee ballot; and

(B) the members of the absentee voter board did not make any alteration to the choices made by the voter.

The form must be signed by each member of the absentee voter board.

SECTION 36. IC 3-11-10-36.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 36.5. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as a member of an absentee voter board, or otherwise to assist the circuit court clerk with processing absentee voter applications and ballots, if the individual satisfies all the following:**

(1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the individual is educated in the home, the approval of the individual responsible for the education of the individual.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a member of an absentee voter board under section 36 of this chapter but is not required to be a registered voter of the county.

(b) An individual appointed to an absentee voter board or assistant under this section, while serving as a member of an absentee voter board or assistant:

(1) is not required to obtain an employment certificate under IC 20-33-3; and

(2) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 36. IC 3-11-13-11, AS AMENDED BY P.L.278-2019, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.**

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under

IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.
- (7) The name of a write-in candidate may not be listed on

the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential

electors required under IC 3-10-4-3 ~~may~~ **must** be placed on the ballot label. ~~or in a location within the voting booth in a location that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office."**

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 37. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.5,

IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.
- (7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 ~~may must~~ be placed on the ballot label. ~~or in a location within the voting booth that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."**

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election

board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters."

Page 22, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 43. IC 3-11.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This section applies to a voter voting by an absentee ballot that is defective and ordered corrected under IC 3-11-2-16 or includes a candidate for election to office who:

- (1) ceases to be a candidate; and
- (2) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2.

(b) Through the last day before the election day, an absentee voter may recast the ballot during the period specified by IC 3-11-10-26. To obtain another set of ballots, the absentee voter must ~~present file~~ a written request for another set of ballots from the circuit court clerk. **A voter may file the request required by this section by any of the following means:**

- (1) In person.**
- (2) By fax.**
- (3) By mail (including United States mail or bonded courier).**
- (4) By electronic mail with a digital image of the statement and signature of the voter.**

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

- (1) Place the written request with the absentee voter's original ballots.
- (2) Mark "canceled" on the original set of ballots.
- (3) Preserve the original ballots with other defective ballots.
- (4) Deliver a new set of ballots to the absentee voter.

SECTION 44. IC 3-11.5-4-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 22.5. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as a member of an absentee voter board, a member of a team of absentee ballot counters, or as a member of a team of couriers, or otherwise to assist the circuit court clerk with processing absentee ballots, if the individual satisfies all the following:**

- (1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.**
- (2) The individual is a citizen of the United States.**
- (3) The individual is a resident of the county.**
- (4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.**

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the individual is educated in the home, the approval of the individual responsible for the education of the individual.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve under section 22 of this chapter but is not required to be a registered voter of the county.

(b) An individual appointed under this section, while serving:

(1) is not required to obtain an employment certificate under IC 20-33-3; and

(2) is not subject to the limitations on time and duration of employment under IC 20-33-3."

Page 25, after line 42, begin a new paragraph and insert:

"SECTION 47. IC 3-13-1-10, AS AMENDED BY P.L.216-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a caucus called under section 4, 5, or 6 of this chapter, an elected precinct committeeman must be entitled to vote for the office for which a candidate is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter **only if both of the following apply:**

(1) The precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

(2) **The precinct committeeman is entitled to vote for the office for which a candidate is to be selected.**

(c) For purposes of a candidate vacancy resulting from the failure of a candidate to be nominated at a primary at which precinct committeemen were elected, an appointed precinct committeeman is eligible to serve **only if both of the following apply:**

(1) The **precinct** committeeman has been reappointed following the primary in accordance with the rules of the committeeman's political party.

(2) **The precinct committeeman is entitled to vote for the office for which a candidate is to be selected.**

SECTION 48. IC 3-13-1-11.5, AS AMENDED BY P.L.216-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) Except as provided in this section, voting by proxy is not permitted in a caucus called under section 4, 5, or 6 of this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus called under section 4, 5, or 6 of this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(2) **The vice committeeman is entitled to vote for the office for which a candidate is to be selected.**

(d) If a vice committeeman is not eligible under subsection ~~(c)~~; **(c)(1)**, the vice committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred."

Page 27, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 52. IC 3-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To be eligible to participate in a caucus called under this chapter, an elected precinct committeeman must be entitled to vote for the legislative office for which a successor is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter **only if both of the following apply:**

(1) The precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

(2) **The precinct committeeman is entitled to vote for the legislative office for which a successor is to be selected.**

(c) An individual eligible to participate in a caucus held under this chapter has one (1) vote.

SECTION 53. IC 3-13-5-5, AS AMENDED BY P.L.278-2019, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in this section, voting by proxy is not allowed in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a legislative office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under

this chapter and vote the precinct committeeman's proxy **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(2) The vice committeeman is entitled to vote for the legislative office for which a successor is to be selected.

(d) If a vice committeeman is not eligible under subsection ~~(e)~~; **(c)(1)**, the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the vacancy occurred.

(e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b) does not apply to this chapter.

SECTION 54. IC 3-13-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to be a member of a caucus under this chapter, a precinct committeeman must satisfy the following:

(1) Be a member of the same political party that elected or selected the person who vacated the office to be filled.

(2) Be the precinct committeeman of a precinct **located in which voters were eligible to vote for the person who vacated the office to be filled at the last election conducted or permitted for the office: the election district of the office to be filled.**

(3) Satisfy the other requirements of this section.

An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter **only if both of the following apply:**

(1) The precinct committeeman was a precinct committeeman thirty (30) days before the vacancy occurred.

(2) The precinct committeeman is entitled to vote for the office for which a successor is to be selected.

(c) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, ~~no~~ **not** later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.

SECTION 55. IC 3-13-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in this section, voting by proxy is not permitted in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a local office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not

present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the vacancy occurred, **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(2) The vice committeeman is entitled to vote for the office for which a successor is to be selected.

(d) If a vice committeeman is not eligible under subsection ~~(e)~~; **(c)(1)**, the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the vacancy occurred."

Page 27, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 57. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) This section applies to:

(1) a county contiguous to the Ohio River;

(2) a county containing a historic hotel district; and

(3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).

(b) Notwithstanding any other provision of this article, the commission may not:

(1) issue a license under this article to allow a riverboat to operate in the county; or

(2) enter into a contract with an operating agent under IC 4-33-6.5;

unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county ~~during at the next primary or general~~ **permitted under IC 3-10-9-3(a):**

"Shall riverboat gambling be permitted in ____ County?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The ~~clerk of the~~ circuit court **clerk** of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent

public question under this section may not be held in that county until the ~~general election held during the~~ tenth year following the year that the previous public question was placed on the ballot."

Page 29, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 64. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved ~~in an election~~ **on by** a local public question ~~held~~ under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?"

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of

local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon

~~(1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or~~

~~(2) August 1. if the public question is to be placed on the general or municipal election ballot.~~

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (j), the public question shall be placed on the ballot at the next ~~primary election; general election; or municipal election permitted under IC 3-10-9-3(a)~~ in which all voters of the political subdivision are entitled to vote. ~~However, if a primary election; general election; or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election; the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1. (if the special election is to be held in November). The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.~~

(f) The circuit court clerk shall certify the results of the public question to the following:

(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than:

- (A) except as provided in clause (B), seven hundred (700) days after the date of the public question; or
- (B) three hundred fifty (350) days after the date of the election, if a petition that meets the requirements of subsection (m) is submitted to the county auditor.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not divide a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project into two (2) or more capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision under section 3.5 of this chapter or a determination under section 5 of this chapter to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall, not later than thirty (30) days after receiving the petition, make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision may appeal the determination of the department of local government finance to the Indiana board of tax review. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.5 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question

under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at an election under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

- (1) The cost per square foot of any buildings being constructed as part of the controlled project.
- (2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.
- (3) The maximum term of the bonds or lease.
- (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (6) The purpose of the bonds or lease.
- (7) In the case of a controlled project proposed by a school corporation:
 - (A) the current and proposed square footage of school building space per student;
 - (B) enrollment patterns within the school corporation; and
 - (C) the age and condition of the current school facilities.

(m) If a majority of the eligible voters voting on the public question vote in opposition to the public question, a petition may be submitted to the county auditor to request that the limit under subsection (h)(2)(B) apply to the holding of a subsequent public question by the political subdivision. If such a petition is submitted to the county auditor and is signed by the lesser of:

- (1) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (2) five percent (5%) of the registered voters residing within the political subdivision;

the limit under subsection (h)(2)(B) applies to the holding of a second public question by the political subdivision and the limit under subsection (h)(2)(A) does not apply to the holding of a second public question by the political subdivision.

SECTION 65. IC 8-1.5-3-9.1, AS AMENDED BY P.L.163-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.1. (a) This

section applies to the following:

- (1) Water utilities that are owned or operated by second class cities.
- (2) Third class cities.
- (3) Towns.

(b) In addition to section 9 of this chapter, a municipally owned utility to which this section applies may be removed from the jurisdiction of the commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, if the municipal legislative body adopts an ordinance removing the utility from commission jurisdiction. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to all ratepayers of the utility and to the commission. For a second class city the municipal legislative body must hold two (2) public meetings before the final vote on an ordinance removing the utility from commission jurisdiction may be adopted. An explanation of the removal process must be provided at each public meeting under this section. Each public meeting must be held in a different location.

(c) The ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) The question of removal from commission jurisdiction shall be submitted to the registered voters of the municipality if, within the sixty (60) day period described in subsection (c), the legislative body receives a petition:

- (1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and
- (2) that requests the legislative body to submit the question of removal from commission jurisdiction to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)**.

The municipal legislative body shall certify the public question in subsection (e) to the county election board of the county that contains the greatest percentage of population of the municipality under IC 3-10-9-3.

(e) If the legislative body receives a petition described in subsection (d) in the proper form, the legislative body shall submit the following public question to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)** in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be taken out of the jurisdiction of the Indiana utility regulatory commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

The legislative body shall mail written notice of the ~~referendum~~ **public question** to the commission at least ten (10) days before the date of the election.

(f) If a majority of those voting on the question described in subsection (e) favor taking the municipally owned utility out of the jurisdiction of the commission, the utility is removed from the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidences of indebtedness.

(g) If the legislative body receives a petition in proper form under subsection (d), the ordinance does not take effect until

after removal is approved by a majority of those voting. If a majority of those voting vote against removal, the utility remains under the jurisdiction of the commission and the ordinance does not take effect.

(h) In addition to the notice required by subsection (b), if the municipal legislative body adopts the ordinance, described in subsection (b), the municipal legislative body shall mail written notice of the withdrawal from commission jurisdiction to the commission within thirty (30) days after the ordinance becomes effective.

(i) Notwithstanding this section or section 9 of this chapter, the commission may require a municipally owned utility that generates electric power to provide information to the permanent forecasting group under IC 8-1-8.5-3.5.

(j) This section does not affect the obligations of a municipally owned utility under IC 8-1-2.3, IC 8-1-8.5, IC 8-1-22.5, or IC 8-1.5-3-14.

(k) Notwithstanding subsection (a) and the procedure set forth in section 9 of this chapter, if a city adopts an ordinance under this section before January 1, 2013, to remove the city's municipally owned electric utility from the jurisdiction of the commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, the removal of the city's municipally owned electric utility from the commission's jurisdiction for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness is effective for all purposes and is legalized and validated.

SECTION 66. IC 8-1.5-3-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.5. (a) This section applies to municipally owned utilities that are withdrawn from commission jurisdiction under section 9 of this chapter, including a municipally owned utility described in section 9(a) of this chapter.

(b) A municipal legislative body that wants to return a municipally owned utility to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness may submit the following public question to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)** in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be returned to the jurisdiction of the utility regulatory commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

(c) A municipal legislative body shall certify the public question to the county election board of the county that contains the greatest percentage of population of the municipality under IC 3-10-9-3. The county election board shall submit the question under subsection (b) if it receives a petition that:

- (1) is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and
- (2) requests that the municipally owned utility be returned to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness.

(d) If a majority of those voting favor returning the municipally owned utility to the jurisdiction of the commission, the utility is returned to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. If a majority of those voting disapprove of returning the municipally owned utility to the jurisdiction of the commission, an election may not be conducted on the public question of returning to the jurisdiction of the commission for four (4) years from the date of the last election on that public question.

(e) The public question of returning to the jurisdiction of the commission may not be submitted to the registered voters of the municipality at an election conducted within four (4) years after the date the municipally owned utility was last withdrawn from commission jurisdiction.

(f) If a municipally owned utility is returned to the jurisdiction of the commission under this section, the municipal legislative body shall mail written notice to the commission.

SECTION 67. IC 8-1.5-3-9.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.6. (a) This section applies to municipally owned utilities that are withdrawn from commission jurisdiction under section 9.1 of this chapter.

(b) The municipal legislative body may adopt an ordinance returning the municipally owned utility to the jurisdiction of the commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness if it receives a petition:

- (1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and
- (2) that requests the legislative body to adopt an ordinance returning the municipally owned utility to the jurisdiction of the commission.

If the municipal legislative body fails to adopt an ordinance under this subsection within ninety (90) days after receipt of the petition, a petition requesting the adoption of an ordinance to return to commission jurisdiction may not be submitted for four (4) years from the date the last petition was submitted under this subsection.

(c) If the municipal legislative body fails to adopt the ordinance described in subsection (b) within ninety (90) days after receipt of the petition, the public question of the return to commission jurisdiction shall be submitted to the registered voters of the municipality if the legislative body receives a second petition:

- (1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot;
- (2) that requests the legislative body to submit the question of the return to commission jurisdiction to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)**; and
- (3) that is submitted to the legislative body after the expiration of the ninety (90) day period described in this subsection.

The municipal legislative body shall certify the public question described in subsection (d) to the county election board of the

county that contains the greatest percentage of population of the municipality under IC 3-10-9-3.

(d) If the legislative body receives a petition described in subsection (c) in the proper form, the legislative body shall submit the following public question to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)** in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be returned to the jurisdiction of the utility regulatory commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

The legislative body shall mail written notice of the ~~referendum~~ **public question** to the commission at least ten (10) days before the date of the election.

(e) If a majority of those voting on the question described in subsection (d) favor returning the municipally owned utility to the jurisdiction of the commission, the utility is returned to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. If a majority of those voting disapprove of returning the municipally owned utility to the jurisdiction of the commission, an election may not be conducted on the public question of returning to the jurisdiction of the commission for four (4) years from the date of the last election on that public question.

(f) The public question of returning to the jurisdiction of the commission may not be submitted to the registered voters of the municipality at an election conducted within four (4) years after the date the municipally owned utility was last withdrawn from commission jurisdiction. In addition, a petition requesting the adoption of an ordinance under subsection (b) may not be submitted within four (4) years after the date the municipally owned utility was last withdrawn from commission jurisdiction.

(g) If a municipally owned utility is returned to commission jurisdiction under this section, the municipal legislative body shall mail written notice to the commission.

SECTION 68. IC 20-23-4-21, AS AMENDED BY P.L.244-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) If the chairperson of the county committee does not receive the certification or combined certifications under section 20(f) of this chapter not later than ninety (90) days after the receipt by the county committee of the plan referred to in section 20(a) of this chapter, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:

- (1) certify the public question under IC 3-10-9-3; and
- (2) order the county election board to ~~conduct a special election in which place~~ **conduct a special election in which place the public question on the ballot at the next election permitted under IC 3-10-9-3(a) at which** registered voters residing in the proposed community school corporation may vote to determine whether the corporation will be created.

~~(b) If:~~

- ~~(1) a primary election at which county officials are nominated; or~~
- ~~(2) a general election at which county officials are elected;~~

~~and for which the question can be certified in compliance with~~

IC 3-10-9-3 is to be held not later than six (6) months after the receipt by the chairperson of the county committee of the plan referred to in section 20(a) of this chapter; regardless of whether the ninety (90) day period referred to in subsection (a) has expired; the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election:

(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b); the special election shall be held:

- (1) not earlier than sixty (60) days; and
- (2) not later than one hundred twenty (120) days;

after the expiration of the ninety (90) day period referred to in subsection (a):

(d) (b) The county election board shall give notice under IC 5-3-1 of the special election a public question referred to in subsection (a).

(e) (c) The notice referred to in subsection (d) (b) of a special election public question must:

- (1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;
- (2) contain:
 - (A) a general description of the boundaries of the community school corporation as set out in the plan;
 - (B) a statement of the terms of adjustment of:
 - (i) property;
 - (ii) assets;
 - (iii) debts; and
 - (iv) liabilities;
- of an existing school corporation that is to be divided in the creation of the community school corporation;
- (C) the name of the community school corporation;
- (D) the number of members comprising the board of school trustees; and
- (E) the method of selecting the board of school trustees of the community school corporation; and
- (3) designate the date, time, and voting place or places at which the election will be held.

(f) A special (d) An election referred to in at which a public question is submitted to the voters under subsection (a) is under the direction of the county election board in the county. The election board shall take all steps necessary to carry out the special election. If the special election is not conducted at a primary or general election; the cost of conducting the election is:

- (1) charged to each component school corporation embraced in the community school corporation in the same proportion as the component school corporation's assessed valuation is to the total assessed valuation of the community school corporation; and
 - (2) paid:
 - (A) from the school corporation's operations fund not otherwise appropriated of; and
 - (B) without appropriation by;
- each component school corporation.

If a component school corporation is to be divided and its territory assigned to two (2) or more community corporations; the component school corporation's cost of the special election is in proportion to the corporation's assessed valuation included in the community school corporation.

(g) (e) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. The public question must state "Shall the (here insert name) community school corporation be formed as provided in the Reorganization Plan of the County Committee for the Reorganization of School Corporations?". Except as otherwise provided in this chapter, the election is governed by IC 3.

(h) (f) If a majority of the votes cast at a special election referred to in subsection (a) on the public question are in favor of the formation of the corporation, a community school corporation is created and takes effect on the earlier of:

- (1) the July 1; or
- (2) the January 1;

that next follows the date of publication of the notice referred to in subsection (d) (b).

(i) (g) If a public official fails to perform a duty required of the official under this section within the time prescribed in this section, the omission does not invalidate the proceedings taken under this section.

(j) (h) An action:

- (1) to contest the validity of the formation or creation of a community school corporation under this section;
- (2) to declare that a community school corporation:
 - (A) has not been validly formed or created; or
 - (B) is not validly existing; or
- (3) to enjoin the operation of a community school corporation;

may not be instituted later than thirty (30) days after the date of the special election referred to in subsection (a).

SECTION 69. IC 20-23-4-23, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) If a proposal for the formation of a community school corporation is rejected by the voters at the special election provided for in this chapter, the county committee shall **do either of the following**:

- (1) Subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected. **or**
- (2) Subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.

(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not later than six (6) months after the date of the special election at which the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection

(a)(2) at a special election to be held not later than six (6) months after the special election at which the proposal was rejected. If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected, the special election must be held in conjunction with the primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee: **by placing a public question on the ballot at the next election permitted under IC 3-10-9-3(a) asking the voters whether the plan should be approved.** The special election is held in the same manner required for the holding of a special election under procedures described in section 21 of this chapter. ~~Officials concerned shall take all actions necessary to conduct the special election as required under section 21 of this chapter: apply to submission of the public question to the voters under this section.~~

SECTION 70. IC 20-23-6-5, AS AMENDED BY P.L.278-2019, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the ~~legal~~ voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall ~~call an election of the place a public question on the ballot at the next election permitted under IC 3-10-9-3(a) asking the~~ voters of the school corporation to determine if a majority of the ~~legal~~ voters of the corporation is in favor of consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation in the school corporation. If a newspaper is not published in the:

- (1) township;
- (2) town; or
- (3) city;

the notice shall be published in the nearest newspaper published in the county or counties, ~~stating that on a day and at an hour to be named in the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal a public question will be on the ballot asking the voters upon~~ whether the school corporation shall be consolidated with the other school corporations joining in the resolution.

(c) The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)?"

~~(d)~~ (e) Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice: before the date of the election.

(e) (d) The governing body of each school corporation in

which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election if the public question is certified to the county election board not later than the deadline set forth in IC 3-10-9-3.

~~(f)~~ (e) If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter.

SECTION 71. IC 20-23-6-6, AS AMENDED BY P.L.244-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) ~~On the day and hour named in the notice filed under section 5 of this chapter, polls shall be opened and the votes of the registered voters shall be taken upon the public question of consolidating school corporations.~~ The election at which the public question is placed on the ballot under section 5 of this chapter shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?"

(c) A brief statement of the provisions in the resolution for appointment or election of a governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of the school corporations shall be filed with:

- (1) the governing body of the school corporations subject to the election;
- (2) the state superintendent; and
- (3) the county recorder of each county in which a consolidated school corporation is located;

together with a copy of the resolution.

(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

~~(e)~~ If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school corporation's operations fund.

SECTION 72. IC 20-46-1-14, AS AMENDED BY P.L.278-2019, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) The referendum shall be held in at the next primary election; general election; or municipal election permitted under IC 3-10-9-3(a) in which all the registered voters who are residents of the

appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon

(1) ~~seventy-four (74) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or~~

(2) August 1. if the question is to be placed on the general or municipal election ballot.

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or

(2) on August 1 (if the special election is to be held in November).

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

SECTION 73. IC 20-46-9-14, AS ADDED BY P.L.272-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) The referendum shall be held in the next ~~primary election, general election, or municipal election~~ in which all the registered voters who are residents of the school corporation are entitled to vote **election permitted under IC 3-10-9-3(a)** after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon

(1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or

(2) August 1. if the question is to be placed on the general or municipal election ballot.

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or

(2) August 1 (if the special election is to be held in November).

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the school corporation in which the referendum is to be held shall pay all the costs of holding the referendum."

Page 31, between lines 18 and 19, begin a new paragraph and

insert:

"SECTION 78. IC 36-1-1.5-8, AS ADDED BY P.L.234-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The following apply if the voters of an eligible municipality file a sufficient petition under section 7 of this chapter:

(1) The clerk of the eligible municipality shall certify the petition to the county election board.

(2) ~~A special election on~~ The public question shall be held in the eligible municipality in the manner prescribed by IC 3-10-8-6. The special election shall be held on a date that:

(A) is determined by the legislative body of the eligible municipality; and

(B) is not more than one (1) year after the date on which the clerk of the eligible municipality certifies the petition to the county election board.

at the next election permitted under IC 3-10-9-3(a).

(3) The clerk of the eligible municipality shall give notice of the ~~special~~ election by publication in the manner prescribed by IC 5-3-1.

(4) ~~The eligible municipality shall pay the costs of holding the special election.~~

(5) (4) The county election board shall place the following question on the ballot in the eligible municipality:

"Shall the territory of _____ (insert the name of the eligible municipality) be transferred from _____ (insert the name of the transferor township) to an adjacent township?"

(6) (5) After the ~~special~~ election on the public question is held, the county election board:

(A) shall file with the clerk of the eligible municipality the results of the ~~special~~ election for each precinct of the eligible municipality in the manner prescribed by IC 3-12-4; and

(B) shall certify a copy of the results of the ~~special~~ election to:

(i) the county auditor;

(ii) the legislative body and executive of the eligible municipality; and

(iii) the legislative body and executive of each township that includes territory of the eligible municipality.

SECTION 79. IC 36-1-1.5-9, AS AMENDED BY P.L.129-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. The following apply if at least two-thirds (2/3) of the voters voting in a ~~special election on the public question~~ under this chapter vote "yes" on the public question: ~~under this chapter:~~

(1) The legislative body of the eligible municipality may, within one (1) year after the ~~special~~ election, submit a petition to one (1) or more adjacent townships requesting an adjacent township to accept the transfer of the territory of the eligible municipality that is within the transferor township.

(2) The legislative body of an adjacent township that receives a petition under subdivision (1) may adopt a

resolution accepting the transfer of the territory of the eligible municipality that is within the transferor township and specifying the date on which the transfer is effective. However, the legislative body of the adjacent township may adopt a resolution accepting the transfer of the territory of the eligible municipality only within the two (2) year period following the date on which the legislative body receives the petition.

(3) If the legislative body of the eligible municipality submits a petition to one (1) or more adjacent townships under subdivision (1) within one (1) year after the ~~special~~ election, but a resolution accepting the transfer of the territory of the eligible municipality within the transferor township is not adopted by the legislative body of an adjacent township within the two (2) year period following the date on which the last legislative body of a township receives such a petition:

(A) the territory of the eligible municipality may not be transferred under this chapter; and

(B) a subsequent ~~special~~ election under this chapter may not be held in the eligible municipality.

(4) If the legislative body of the eligible municipality does not submit a petition to one (1) or more adjacent townships under subdivision (1) within one (1) year after the ~~special~~ election:

(A) the territory of the eligible municipality may not be transferred under this chapter; and

(B) a subsequent ~~special~~ election under this chapter may not be held in the eligible municipality.

SECTION 80. IC 36-1-1.5-10, AS ADDED BY P.L.234-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. If less than two-thirds (2/3) of the voters voting in a ~~special election on the public question~~ under this chapter vote "yes" on the public question: ~~under this chapter~~:

(1) the territory of the eligible municipality may not be transferred under this chapter; and

(2) a subsequent ~~special~~ election under this chapter may not be held in the eligible municipality."

Page 31, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 82. IC 36-5-1-8, AS AMENDED BY P.L.216-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The county executive may approve a petition for incorporation only if it finds all of the following:

(1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.

(2) That the proposed town is reasonably compact and contiguous.

(3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.

(4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:

(A) Police protection.

(B) Fire protection.

(C) Street construction, maintenance, and lighting.

(D) Sanitary sewers.

(E) Storm sewers.

(F) Health protection.

(G) Parks and recreation.

(H) Schools and education.

(I) Planning, zoning, and subdivision control.

(J) One (1) or more utility services.

(K) Stream pollution control or water conservation.

(5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.

(6) That incorporation is in the best interest of the territory involved. This finding must include a consideration of:

(A) the expected growth and governmental needs of the area surrounding the proposed town;

(B) the extent to which another unit can more adequately and economically provide essential services and functions; and

(C) the extent to which the incorporators are willing to enter into agreements under IC 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements.

(b) If the county executive determines that the petition satisfies the requirements set forth in subsection (a), the county executive may do any of the following:

(1) Adopt an ordinance under section 10.1 of this chapter incorporating the town.

(2) Deny the petition.

(3) Adopt a resolution to place a public question concerning the incorporation on the ballot at ~~an the next election permitted under IC 3-10-9-3(a)~~. The county executive shall request a date for the election as follows:

(A) If the county executive requests the public question be on the same date as a general election or primary election:

(i) the resolution must state that the election is to be on the same date as a general or primary election; and must be certified in accordance with IC 3-10-9-3; and
(ii) the election must be held on the date of the next general election or primary election; whichever is earlier; at which the question can be placed on the ballot under IC 3-10-9-3.

(B) If a petition contains a request for a special election; the county executive may request that the public question concerning the incorporation will be on the ballot of a special election. An election may be considered a special election only if it is conducted on a date other than the date of a general election or primary election. The date of the special election must be:

(i) at least seventy-four (74) and not more than one hundred four (104) days after the notice of the election is filed under IC 3-10-8-4; and

(ii) ~~not later than the next general election or primary election; whichever is earlier.~~

~~If the public question is on the ballot of a special election the petitioners shall pay the costs of holding the special election.~~ If the county executive adopts a resolution under this subdivision, the county executive shall file the resolution and the petition with the circuit court clerk of each county that contains any part of the territory sought to be incorporated.

(c) After a resolution is filed with a circuit court clerk under subsection (b)(3), the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot:

"Shall (insert a description of the territorial boundaries) be incorporated as a town?"

Only the registered voters residing within the territory of the proposed town may vote on the public question.

(d) Not earlier than sixty (60) days and not later than thirty (30) days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include the following:

- (1) A description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town.
- (2) The information provided under section 3(3) through 3(6) of this chapter.
- (3) The name, telephone number, and electronic mail address (if available) of the contact person for the petitioners.
- (4) A statement that the petition is available for inspection and copying in the office of the circuit court clerk of each county where the proposed town is located.

The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

(e) If a majority of the voters residing within the territory of the proposed town:

- (1) vote "no" on the public question, the territory is not incorporated as a town, and a new petition for incorporation may not be filed within the period set forth in section 9 of this chapter; or
- (2) vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance under section 10.1 of this chapter.

(f) The circuit court clerk shall certify the results of a public question under this section to the following:

- (1) The county executive of each county in which the proposed incorporated territory is located.
- (2) The county auditor of each county in which the proposed incorporated territory is located.
- (3) The department of local government finance.
- (4) The department of state revenue.
- (5) The state board of accounts.
- (6) The office of the secretary of state.
- (7) The office of census data established by IC 2-5-1.1-12.2.

(8) The election division.

SECTION 83. IC 36-5-1.1-10.6, AS AMENDED BY P.L.113-2010, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.6. (a) This section applies to included towns.

(b) The dissolution of a town under this section may be instituted by filing a petition with the county board of registration. The petition must be signed by at least the number of the registered voters of the town required to place a candidate on the ballot under IC 3-8-6-3. The petition must be filed not later than June 1 of a year in which a general **election** or municipal **general** election will be held.

(c) If a petition meets the criteria set forth in subsection (b), the county board of registration shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall place the question of dissolution on the ballot provided for voters in the included town at the first general **election** or municipal **general** election following certification. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the town of _____ dissolve?"

(d) If the public question is approved by a majority of the voters voting on the question, the county election board shall file a copy of the certification prepared under IC 3-12-4-9 concerning the public question described by this section with the following:

- (1) The circuit court clerk of the county.
- (2) The office of the secretary of state.

(e) Except as provided in subsection (f), dissolution occurs:

- (1) at least sixty (60) days after certification under IC 3-12-4-9; and
- (2) when the certification is filed under subsection (d).

(f) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(g) When a town is dissolved under this section:

- (1) the territory included within the town when the ordinance was adopted becomes a part of the consolidated city;
- (2) the books and records of the town become the property of the county executive;
- (3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and
- (4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(h) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

~~(i) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required."~~

Page 35, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 87. IC 36-5-2-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.2. (a) This section applies to the alteration of the number of members of a legislative body.

(b) The legislative body may adopt a resolution to submit a public question on the number of legislative body members to the voters of the town. The resolution must state the following:

(1) The proposed number of legislative body members, which must be at least three (3) and not more than seven (7).

(2) The date of the general **election or** municipal **or special general** election at which the public question will appear on the ballot.

(3) That the following question will be placed on the ballot in the form provided by IC 3-10-9-4:

"Shall the number of town council members be increased (or decreased, if applicable) from _____ (insert the current number of members provided for) to _____ (insert the number of members proposed in the resolution)?"

(c) IC 3 applies to an election conducted under subsection (b). If the county election board will conduct the election at which the public question will be submitted, the question must be certified to the board under IC 3-10-9-3.

(d) If a majority of the votes cast on the question under subsection (b) are in the negative, the legislative body may not adopt a resolution under subsection (b) for at least one (1) year following the date the prior resolution was adopted.

(e) If a majority of votes cast on the question under subsection (b) are in the affirmative, the legislative body shall adopt an ordinance at its next regular meeting following the election altering the number of legislative body members to the number specified in the public question. The legislative body may also alter existing districts and establish new districts in the manner prescribed by IC 36-5-1-10.1. An ordinance adopted under this subsection becomes effective January 1 following its adoption.

(f) If the number of legislative body members is increased, the legislative body shall fill any resulting vacancy under IC 3-13-9-4. The legislative body may fill the vacancy before the ordinance described in subsection (e) takes effect. However, a town legislative body member appointed under this subsection does not assume office until the beginning of the term specified in section 3 of this chapter."

Page 36, after line 16, begin a new paragraph and insert:

"SECTION 72. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as printed January 24, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

WALKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Engrossed House Bill 1224,

has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Engrossed House Bill 1343, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE FEBRUARY 17, 2020 (RETROACTIVE)]".

(Reference is to HB 1343 as printed January 28, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PERFECT, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

- SCR 13 Senator Spartz
Congratulating the Noblesville H.S. girls soccer team.
- SCR 43 Senator Altig
Congratulating the Lafayette Jefferson H.S. Marching Band.
- SCR 45 Senator Ruckelshaus
Recognizing Indiana Arts Education Day at the Statehouse.
- SCR 46 Senator Altig
Recognizing Indiana public schools and the week of February 24-28, 2020, as National Public Schools Week.
- HCR 23 Senator Altig
Congratulating the 2019 Lafayette Central Catholic High School football team.

BRAY

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 13

Senate Concurrent Resolution 13, introduced by Senator Spartz:

A CONCURRENT RESOLUTION congratulating the Noblesville High School girls soccer team on winning the 2019 Indiana High School Athletic Association ("IHSAA") Class 3A state championship title.

Whereas, The Noblesville High School girls soccer team captured the 2019 IHSAA Class 3A state championship title by beating defending state champion Carmel 1-0;

Whereas, To earn its spot in the championship match, the Millers defeated Anderson and Hamilton Southeastern in the sectional championship, Fort Wayne Carroll and McCutcheon in the regional championship, and Penn in the semi-state championship;

Whereas, The championship match remained scoreless until the 44th minute, when Jenna Chatterton found Kiana Siefert on a cross pass and Siefert scored the goal to determine the match's outcome;

Whereas, Though Carmel outshot Noblesville 14-11 and led 8-6 in shots on goal, the Millers's strong defense and goalkeeper Sarah Kile's seven saves stopped Carmel from scoring;

Whereas, The Millers, led by coach Mike Brady, finished the season with a 17-0-3 record and earned the school's first state championship title in girls soccer; and

Whereas, Noblesville's hard work, grit, and determination was key to the team's success in achieving the state championship: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Noblesville High School girls soccer team on winning the 2019 IHSAA Class 3A state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Noblesville High School girls soccer team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Goodrich.

Senate Concurrent Resolution 43

Senate Concurrent Resolution 43, introduced by Senator Altig:

A CONCURRENT RESOLUTION congratulating the Lafayette Jefferson High School Marching Band on winning the Indiana State School Music Association Scholastic Class A State Finals.

Whereas, The 2019 Lafayette Jefferson High School Marching Band won the Indiana State School Music Association's (ISSMA) Scholastic Class A State Finals on October 26, 2019;

Whereas, The 2019 ISSMA competition was held in Indianapolis at Lawrence Central High School, and featured 34

marching bands competing in one of two categories, Scholastic A and Scholastic B, based on band size and school enrollment;

Whereas, Though weather prevented the band from performing outdoors to tell the entire visual story, the Lafayette Jefferson Marching Bronchos performed their routine, Persistence of Time, after spending hours of hard work and practice perfecting the show; and

Whereas, Winning the 2019 ISSMA Scholastic Class A earned the Lafayette Jefferson High School Marching Bronchos an invitation to perform at the 2019 Indiana State School Music Association Marching Band Finals: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Lafayette Jefferson High School Marching Band on winning the 2019 ISSMA Scholastic Class A State Finals.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Chris Paulson, Director of the Lafayette Jefferson High School Marching Band.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Klinker.

Senate Concurrent Resolution 45

Senate Concurrent Resolution 45, introduced by Senator Ruckelshaus:

A CONCURRENT RESOLUTION recognizing Indiana Arts Education Day at the Statehouse.

Whereas, February 18, 2020, is Indiana Arts Education Day at the Statehouse, where the Indiana Arts Education Network, including a broad cross-section of Indiana organizations and leaders, gathers to promote that all Indiana students deserve a well-rounded education that includes music and the arts;

Whereas, A representation of Indiana's best and brightest music and arts champions attend Indiana Arts Education Day, with dozens of honorees from a variety of state and national organizations, such as the Educational Theater Association, the Indiana Music Educators Association, the Indiana State School Music Association, Indiana Thespians, the Jazz Education Network, Music for All, the NAMM Foundation, the Percussive Arts Society, and more;

Whereas, The Indiana Arts Education Network, collaborating with music and arts education advocates from around the state, is committed to ensuring that every Indiana student has reliable access to music and arts education;

Whereas, The Indiana Arts Education Network is dedicated to ensuring that every Indiana child reaches their full potential so they will be equipped to lead successful lives and help make Indiana the best place in the country to live and work;

Whereas, Students with greater arts participation are more likely to come to class, avoid being removed and graduate, as well as demonstrate greater proficiency in mathematics and communication;

Whereas, The skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for workplace readiness;

Whereas, Creative drama involvement improves adults' divergent thinking, increasing their fluency and flexibility, thereby increasing their creativity;

Whereas, The values youth obtain from working in the arts that carry over into general learning include critical thinking skills and risk-taking; and

Whereas, The Indiana Arts Education Network is dedicated to serving all Indiana students by supporting their ability to get the well-rounded education, including music and the arts, that they deserve: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Indiana Arts Education Day at the Statehouse and the importance of arts education to all young Hoosiers.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana Arts Education Network.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Carbaugh.

Senate Concurrent Resolution 46

Senate Concurrent Resolution 46, introduced by Senators Alting, Bohacek, Becker, Koch, Ruckelshaus, and Tomes:

A CONCURRENT RESOLUTION recognizing Indiana public schools and the week of February 24-28, 2020, as National Public Schools Week.

Whereas, February 24-28, 2020, is National Public Schools Week to recognize the importance of public education;

Whereas, Public schools prepare young people to contribute to the society, economy, and citizenry of Indiana and the United States, and 90% of children in the United States attend public schools;

Whereas, State and federal lawmakers should prioritize support for strengthening the public schools of Indiana and empower superintendents, principals, and school leaders to implement, manage, and lead school districts and schools in partnership with educators, parents, and other local education stakeholders;

Whereas, Public schools should foster inclusive, safe, and high-quality environments where children can learn to think critically, problem solve, and build relationships;

Whereas, Every child should receive an education that helps the child reach the child's full potential and to attend schools that offer a high-quality educational experience;

Whereas, Superintendents, principals, school leaders, teachers, paraprofessionals, and parents make public schools vital components of communities and are working hard to improve educational outcomes for children across the country; and

Whereas, The importance of public education in Indiana cannot be overstated: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Indiana public schools and National Public Schools Week.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana Coalition for Public Education.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Pressel.

House Concurrent Resolution 23

House Concurrent Resolution 23, sponsored by Senator Alting:

A CONCURRENT RESOLUTION congratulating the 2019 Lafayette Central Catholic High School football team.

Whereas, The 2019 Lafayette Central Catholic High School football team won the IHSAA Class A state title at Lucas Oil Stadium on November 29, 2019;

Whereas, The Knights achieved victory in a hard fought game, winning 29-28 over Indianapolis Lutheran;

Whereas, Sophomore quarterback Clark Barrett set up senior Ky Schrader for a 1-yard touchdown with 10 seconds left on the clock, and followed with the game winning pass to senior Reece Buche in the last seconds of the fourth quarter;

Whereas, The Knights entered the state championship game with a 10-game winning streak and finished the 2019 season with a 12-3 record;

Whereas, Head coach Brian Nay led the Knights to their eighth state title with the essential support of staff and assistant coaches including: Tom Yarnall, Chloe Wagers, Gavin Breyfogle, Cody Christopher, Nate Deno, Clay Finney, Max Goodin, Jeff Onken, Connor Ray, Alex Schrader, Cody Schrader, Grant Seaburg, and athletic director Tim Bordenet;

Whereas, The 2019 Lafayette Central Catholic winning team consisted of: Ben Mazur, Owen Munn, Aiden Sattler, Tanner Fields, Evan Dienhart, Tyler Fox, Robert Koch, Baylor Smith, Leo Bordenet, Brady Miller, Isaac Buche, Zach Kerr, Joey Drerup, Aiden Schaefer, T.J. Bell, Jack Spencer, Ty Buche, Clark Barrett, Justin Brady, Cres Rodriguez, Carter Johnson, Keagan O'Connor, Alex Denney, Joey Stair, Nathan Hardenburg, Andrew Kline, Brenner Oliver, Anthony Dimmitt, Jacob Bunton, Tommy Puskar, Sam Seaburg, Tommy Regich, Wade Hardebeck, Jesse Neihouser, Evan Munn, Reece Buche, Kyle Onken, Ky Schrader, Isaac Switzer, Nolan Talley, Daniel Roach, Joaquin Gallo, Evan Suppinger, Pete Spencer, Drew Schrader, Gus German, and managers Paul Schrader and Dylan Meek;

Whereas, The Knights' state championship and 12-3 season record indicate the hard work, talent, skill, and commitment given by each player to high school football and their team; and

Whereas, This achievement will be remembered by players, coaches, staff, friends, family, and fans for years to come: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Lafayette Central Catholic High School football team for its 2019 state championship win.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to head coach Brian Nay of the Lafayette Central Catholic High School football team for distribution.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following memorial resolutions be adopted:

HCR 34 Senator Perfect

Memorializing Lance Corporal Jacky Ray Koenig Jr., United States Marine Corps.

BRAY

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 34

House Concurrent Resolution 34, sponsored by Senator Perfect:

A CONCURRENT RESOLUTION memorializing Lance Corporal Jacky Ray Koenig Jr., United States Marine Corps.

Whereas, Lance Corporal Jacky Ray Koenig Jr. was born on September 27, 1996, in Bakersfield, California, to Jack Koenig Sr. and Patricia Espinosa Koenig;

Whereas, Lance Cpl. Koenig grew up in North Vernon, Indiana, and attended Jennings County High School, where he competed in track, cross country, and wrestling;

Whereas, Lance Cpl. Koenig, an avid cross country runner, practiced and ran in meets at the Muscatatuck County Park, along the banks of the Muscatatuck River;

Whereas, Lance Cpl. Koenig had a servant's heart throughout his life and volunteered with the Muscatatuck River cleanup project yearly while attending Jennings County High School;

Whereas, Lance Cpl. Koenig graduated in 2014 from Jennings County High School and in 2015 joined the United States Marine Corps;

Whereas, Lance Cpl. Koenig was stationed at Camp Pendleton, California, and deployed to Camp Butler in Okinawa, Japan, and served as a member of the Marine Light Attack Helicopter Squadron 267; and

Whereas, On April 9, 2017, Lance Cpl. Jacky Ray Koenig Jr. died at 20 years of age during a training exercise while deployed in Okinawa, Japan: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly memorializes Lance Corporal Jacky Ray Koenig Jr. for his service to the United States of America as a marine and Hoosier.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Jim Lucas.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 35

Senate Concurrent Resolution 35, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Concordia Lutheran High School boys cross country team on winning the 2019 Indiana High School Athletic Association ("IHSAA") state championship title.

Whereas, The Fort Wayne Concordia Lutheran High School boys cross country team won the 2019 IHSAA state championship title with a score of 93 points;

Whereas, The Concordia Cadets dominated throughout the state tournament, winning the sectional, regional, and semi-state championships;

Whereas, Four Concordia runners placed in the top 30 during the state meet to hold off defending state champion Carmel;

Whereas, Concordia was led in scoring by Reece Gibson in 5th place, followed by Drake Kropf and Wilson Whicker in 17th and 18th place, respectively, Karsten Schlegel in 29th place, and Luke Bentz in 67th place overall;

Whereas, After the championship season, the Indiana Track and Cross Country Coaches Association named Reece Gibson the Class 3A All State Runner of the Year, and Drake Kropf, Wilson Whicker, and Karsten Schlegel were named to the All State 1st Team; and

Whereas, Led by head coach Scott Steffen, the Concordia Cadets won the school's first cross country team title: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Fort Wayne Concordia Lutheran High School boys cross country team on winning the 2019 IHSAA state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Fort Wayne Concordia Lutheran High School boys cross country team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Carbaugh.

Senate Concurrent Resolution 33

Senate Concurrent Resolution 33, introduced by Senators Becker and Charbonneau:

A CONCURRENT RESOLUTION honoring Hoosier long-term care professionals.

Whereas, Hoosier long-term care professionals provide compassionate services that help to care for people with a chronic illness or disability;

Whereas, Focused on the elderly and mentally frail, long-term care professionals remain dedicated to improving Hoosiers' health and providing pathways to recovery and affordable living;

Whereas, Long-term care professionals not only are exceptional caregivers, they also introduce the highest quality control into home, adult, and other community-based healthcare facilities;

Whereas, Long-term care professionals provide stability and a better quality of life for their patients, leading to valued lifelong relationships; and

Whereas, Demonstrating high standards of professionalism, these caregivers dedicate extensive hours and promote innovative solutions for vulnerable Hoosiers: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the countless hours of dedicated service and the multitude of contributions made by Hoosier long-term care professionals.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana Healthcare Association.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Macer and Fleming.

Senate Concurrent Resolution 47

Senate Concurrent Resolution 47, introduced by Senators Grooms and Garten:

A CONCURRENT RESOLUTION congratulating Michael Cleveland for winning the 2020 Grammy Award for Best Bluegrass Album.

Whereas, Michael Cleveland, a fiddler from Charlestown, Indiana, won the 2020 Grammy Award for Best Bluegrass Album, his second career Grammy Award;

Whereas, Born in Henryville in 1980, Michael learned to play by ear and began fiddling at a young age after hearing a fiddler play "Orange Blossom Special";

Whereas, When he was nine years old, Michael attended the Bean Blossom Bluegrass Festival and performed with bluegrass founding father Bill Monroe, beginning his young music performing career;

Whereas, Michael's talents were recognized at an early age while making appearances on the Grand Ole Opry stage, the

radio show *A Prairie Home Companion*, and before the United States Congress;

Whereas, After graduating from the Kentucky School for the Blind, Michael began performing professionally, and released his first solo album, "Sawing on the C String", in 1998;

Whereas, Michael has performed with numerous bluegrass and country legends including Bill Monroe, Ralph Stanley, Doyle Lawson, Allison Krauss, and Vince Gill;

Whereas, Michael is the recipient of numerous awards, including being a three-time winner of the International Bluegrass Music Association (IBMA) Instrumental Album of the Year Award, an eleven-time winner of the IBMA Fiddle Player of the Year Award, and being a three-time winner of the IBMA Instrumental Group of the Year Award with his band, Flamekeeper;

Whereas, In 2018, Michael won his first Grammy Award for Best Bluegrass Album for his solo album "Fiddler's Dream";

Whereas, Two years later, Michael was nominated for and won his second Grammy Award for Best Bluegrass Album for his album "The Tall Fiddler"; and

Whereas, Michael Cleveland's fiddle talents have taken him all over the world, and he is an exemplary representative of southeastern Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Michael Cleveland for winning the 2020 Grammy Award for Best Bluegrass Album and wishes him well in his future success.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Michael Cleveland.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Goodin.

Senate Resolution 16

Senate Resolution 16, introduced by Senator Bray:

A SENATE RESOLUTION recognizing the Martinsville Candy Kitchen for 100 years in business.

Whereas, The Martinsville Candy Kitchen has been located on Main Street in downtown Martinsville since its founding in 1919;

Whereas, Independently owned and operated, the Martinsville Candy Kitchen is world renowned as one of the few remaining candy stores that still makes candy canes by hand;

Whereas, The Martinsville Candy Kitchen hosts demonstrations of its candy-making process throughout the year, and during the holiday season customers can view candy cane pours every weekend;

Whereas, A regular stop of NCAA basketball coach John Wooden, Martinsville Candy Kitchen's customers can still ask for some of Coach Wooden's favorite childhood candies today;

Whereas, The Martinsville Candy Kitchen delivers its delectable treats from Indiana to places around the world, bringing joy to sweet-tooths everywhere; and

Whereas, A family-owned, small-town tradition, the Martinsville Candy Kitchen is a successful Indiana small business that will continue to serve homemade treats for generations to come: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes the Martinsville Candy Kitchen for 100 years in business.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Martinsville Candy Kitchen owners John and Pam Badger.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 41

House Concurrent Resolution 41, sponsored by Senator Crane:

A CONCURRENT RESOLUTION recognizing Katie Pourcho, 2020 Indiana Teacher of the Year.

Whereas, Ms. Katie Pourcho is Indiana's 2020 Teacher of the Year for her leadership and dedication inside and outside the classroom;

Whereas, Ms. Pourcho is an art educator, teaching kindergarten through second grade at North Elementary School in the Danville Community School Corporation;

Whereas, Ms. Pourcho displays exceptional skill and great passion while teaching her students how to use art as a source of expression;

Whereas, Ms. Pourcho is a graduate of Ball State University and holds a bachelor of arts in visual art education, with K-12 honors;

Whereas, Ms. Pourcho serves as a new teacher mentor for art educators entering the classroom, and she was the 2016 recipient of a Teacher Creativity Fellowship from the Lilly Endowment; and

Whereas, Ms. Pourcho is a professional artist in her community and works closely with the National Art Education Association and Danville Community School Corporation's Art Department Professional Learning Community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Ms. Katie Pourcho as Indiana's 2020 Teacher of the Year.

SECTION 2. That the Indiana General Assembly honors Ms. Katie Pourcho for her many contributions to Indiana as an educator in her community.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Jeff Thompson for distribution.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 35, 36, 37, 38, and 39 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 2 and 31 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bill 80 and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 307 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 30

Senator Tomes called up Senate Resolution 30 for second reading. The resolution was read a second time and adopted by voice vote.

House Concurrent Resolution 20

Senator Bohacek called up House Concurrent Resolution 20 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1022

Senator Messmer called up Engrossed House Bill 1022 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1022-2)

Madam President: I move that Engrossed House Bill 1022 be amended to read as follows:

Page 3, line 3, delete "is".

Page 3, line 3, strike "entitled to the same fees" and insert **"may charge a fee of not more than ten dollars (\$10) per signature for each of the following notarial acts:**

- (1) Taking an acknowledgment.**
- (2) Administering an affirmation or oath.**
- (3) Attesting to or witnessing a signature.**
- (4) Taking a verification on an oath or affirmation.**
- (5) Attesting to or certifying a copy.**

Fees for notarial acts not specified in this section but described in section 1 of this chapter are negotiable by the legislative notary."

Page 3, line 4, strike "as those charged by".

Page 3, line 4, delete "a notary".

Page 3, line 4, strike "public".

Page 3, after line 10, begin a new paragraph and insert:

"SECTION 6. IC 33-42-14-1, AS AMENDED BY P.L.177-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) ~~A notary public may charge a fee of not more than ten dollars (\$10) per signature for each of the following notarial acts:~~

- ~~(1) Taking an acknowledgment.~~
- ~~(2) Administering an affirmation or oath.~~
- ~~(3) Attesting to or witnessing a signature.~~
- ~~(4) Taking a verification on an oath or affirmation.~~
- ~~(5) Attesting to or certifying a copy.~~

~~(b) Fees for notarial acts not described in subsection (a) are negotiable. A notary public may charge a reasonable fee for all notarial acts. The fee shall be set by each notary public.~~

~~(c) (b) If a fee is charged for a notarial act, the notary public shall display, in advance, a list of the fees that the notary public will charge.~~

~~(d) (c) Notarial acts that:~~

- (1) are performed as part of the notary public's

employment; or

(2) do not require record keeping;

are subject to private agreement and are not governed by this section.

~~(e)~~ (d) A notary public may charge a reasonable fee for traveling to perform a notarial act. The travel fee requested may not exceed the federal travel fees established by the United States General Services Administration.

~~(f)~~ (e) Except as provided in subsection ~~(g)~~ (f), an individual who is a:

(1) public official; or

(2) deputy or appointee of a public official;

may not charge for notarial acts performed by the individual in connection with any official business of the public official or any other office belonging to the governmental unit in which the individual serves.

~~(g)~~ (f) Subsection ~~(f)~~ (e) does not apply to a person or transaction authorized by another statute to charge a fee for performing notarial acts."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1022 as printed February 14, 2020.)

L. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1067

Senator Leising called up Engrossed House Bill 1067 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1067-2)

Madam President: I move that Engrossed House Bill 1067 be amended to read as follows:

Page 4, line 34, after "assistant" insert "(as defined in IC 25-14-1-1.5(4))".

Page 5, line 20, delete "shall verify that" and insert "shall:".

Page 5, delete lines 21 through 22, begin a new line block indented and insert:

**"(1) verify that the dental hygienist or dental assistant has completed the requirements of subsection (a);
(2) determine the maximum percent-dosage of nitrous oxide to be administered to the patient; and
(3) ensure that any administration or monitoring of nitrous oxide by dental hygienists or dental assistants is done in accordance with relevant guidelines and standards developed by the American Dental Association or the American Academy of Pediatric Dentistry."**

Page 6, line 1, strike "or".

Page 6, line 2, after "IC 25-22.5" delete "." and insert "; or

(C) a dental assistant (as defined in IC 25-14-1-1.5(4)) in compliance with section 10.7 of this chapter."

(Reference is to EHB 1067 as printed February 14, 2020.)

LEISING

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1077

Senator Perfect called up Engrossed House Bill 1077 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1080

Senator Ruckelshaus called up Engrossed House Bill 1080 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 209: yeas 44, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1092

Senator Charbonneau called up Engrossed House Bill 1092 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 210: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1096

Senator M. Young called up Engrossed House Bill 1096 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 211: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1129

Senator L. Brown called up Engrossed House Bill 1129 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 212: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1143

Senator Jon Ford called up Engrossed House Bill 1143 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 213: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 41 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Crane be added as second author of Senate Resolution 16.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of House Concurrent Resolution 28.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator L. Brown be added as second sponsor of Engrossed House Bill 1022.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1022.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Koch be added as cosponsor of Engrossed House Bill 1032.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1032.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1047.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niezgodski be added as cosponsor of Engrossed House Bill 1059.

DORIOT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1067.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second sponsor of Engrossed House Bill 1077.

PERFECT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1081.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1092.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1096.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as cosponsor of Engrossed House Bill 1143.

JON FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1210.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1224.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1346.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator J.D. Ford be added as cosponsor of Engrossed House Bill 1392.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 20, 2020.

BRAY

Motion prevailed.

The Senate adjourned at 2:39 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUZANNE CROUCH
President of the Senate